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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,871	05/04/2001	Abed Mohd Jaber	064731.0169	8371

7590

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EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,871

Applicant(s)

JABER ET AL

Examiner

Kevin C. Harper

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10. 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed 14 November 2003 have been fully considered but they are not persuasive.

1. Applicant argued that it would not have been obvious to have asymmetric links for internodal connections found in Derby. However, McNamara (US 6,262,976) disclose having asymmetric connections in a network in order to flexibly accommodate the network traffic (col. 20, lines 33-39).

2. Applicant argued that Derby does not disclose opaque link state announcements. However, these announcements are used to distribute the current topology of the network (col. 5, lines 62-67).

3. Applicant argued that it would not be obvious to assign weights for intranodal links in Derby nor use an Open Shortest Path First routing determination. However, Le Boudec et al. (US 6,016,306) discloses assigning links based on cost, bandwidth or delay (col. 1, lines 39-52 and 56-62) and using an Open Shortest Path First routing determination to find a best path by minimizing the weights. One skilled in the art would recognize the potential for a lower bandwidth path to have a higher associate delay, hence a higher weighing, than a higher bandwidth path.

Drawings

4. The corrected or substitute drawings were received on 14 November 2003. These drawings are approved.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derby et al. (US 5,483,522).

5. Regarding claims 1, 4-5, 9, 12-13, 17 and 20-21, Derby discloses a method of providing an internal topology of a node within a network (Figure 6; col. 5, lines 56-67) comprising determining intranode connectivity between traffic bearing components in a network node (col. 8, lines 20-26; col. 10, Table 1), distributing a model of the node to other nodes (col. 5, lines 62-67), and using the model in determining a routing path (col. 5, lines 56-58). However, Derby does not disclose the connections between the traffic bearing components as asymmetric. One skilled in the art would recognize that bidirectional connections are often asymmetric in order to accommodate a larger capacity in one direction. Therefore, it would have been obvious to one

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skilled in the art at the time the invention was made to have asymmetric connections between traffic bearing components in the invention of Derby.

6. Regarding claim 2, 10 and 18, the traffic bearing components are receiver transmitter pairs (Figure 2; col. 5, lines 30-45).

7. Regarding claim 3, 11 and 19, Derby does not disclose that the interfaces to external nodes are lower speed. One skilled in the art would recognize that appropriate bandwidth is used for connectivity. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have lower speed external interfaces in the invention of Derby.

8. Regarding claim 6, 14 and 22, Derby does not disclose that the network (Figure 1) is private. One skilled in the art would recognize that networks are private in order to provide dedicated access and security to the owner or a user. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to make private the network of Derby.

9. Regarding claims 7-8, 15-16 and 23-24, Derby does not disclose assigning weights for the connections. One skilled in the art would recognize that weights are typically assigned to intermediate connections based on availability, reliability, congestion, distance, etc., in order to properly determine an optimal route or best path from a source to a destination involving the connections. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to assign appropriate weights to the connections in the invention of Derby.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

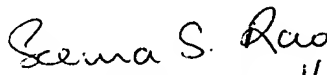
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



27 January 2003


SEEMA S. RAO 1/27/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600